

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TIMOTHY H. JOHNSON,
Plaintiff,

v.

RON ANGELONE; E.K. McDANIEL;
BECKY MESSICK; JAY BARRETT and
MICHAEL SCHEEL,
Defendants.

03:94-CV-00229-LRH-VPC

ORDER

Before the court are Plaintiff's Motion for Relief from Judgment or Order (#225), Defendants' Opposition (#229), Plaintiff's Reply (#231), and Plaintiff's Motion to Retax Costs (#230), Defendants' Opposition (#232), and Plaintiff's Reply (#233). Plaintiff's motions will be denied.

Plaintiff's Motion for Relief from Judgment or Order (#225) seeks an award of compound interest upon the damages awarded him in this action. Defendants have opposed his motion as untimely as well as on the merits. It appears that prison mail conditions may have prevented Plaintiff from filing a timely motion pursuant to Fed. R. Civ. P. 59(e). Regardless of the timeliness of the motion, it was not the court's intention to award compounded pre-judgment interest. It was the court's intention to award interest in an amount calculated pursuant to 28 U.S.C. § 1961(a). Although the straight interest amount, which appears to have been properly calculated by the

1 Defendants, is relatively low, the calculated amount is correct and is confirmed by the court.

2 Plaintiff has also filed a Motion to Retax Costs (#230). The court has reviewed the award
3 of costs as calculated by the Court Clerk and agrees that they have been properly calculated and
4 accurately reflect the costs to which Plaintiff was entitled to recover. The largest part of Plaintiff's
5 asserted costs is a claim for \$84,666 in lost wages. There is no authority that would support an
6 award of claimed lost wages as a taxable cost. The court also would not have awarded the claimed
7 wages as damages in this case as the court awarded all damages that it found to be proved and
8 compensable.

9 IT IS THEREFORE ORDERED that Plaintiff's motions (#225 and #230) are DENIED.

10 IT IS SO ORDERED.

11 DATED this 4th day of November, 2008.

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LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
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